Water Quality Inspection Report

To: Diana Henrioulle

From: Brian Fuller

Date: May 9, 2019

Subject: Inspection Report for March 22, 2019, Consent Inspection of Humboldt County Assessor Parcel Numbers (APNs) 223-074-004-000 and 223-074-009-000

File: Cannabis Program Inspections, Humboldt County, WDID:1_12CC403261, CIWQS Place ID. 823853.

Property information
County: Humboldt

Physical address: No physical address

APN: 223-074-004-000 and 223-074-009-000

Business Address: Mazari Farms Inc. and Flore Farms Inc.
Tobias Hafenecker-Dodge
60 Rausch Street #208
San Francisco, CA, 94103

Ownership: #1 Tooby RD, LLC.
60 Rausch Street #208
San Francisco, CA, 94103

Size: Each parcel is 160 acres (320 acres total.)

Watershed: Eel River Hydrologic Unit; South Fork Eel River Hydrologic Area; Benbow Hydrologic Subarea (HU/HA/HSA 111.32; Table 2-1, Water Quality Control Plan for the North Coast Region).

Regulatory status with the Regional Water Board

Site Development:

- No record of permitting for site development.

Applicable programs:

- Regional Water Board's Clean Water Act section 401 Water Quality Certification permit for dredge/fill activities in a surface water.

- State Water Resources Control Board Order 2009-0009-DWQ Construction general permit, for construction disturbing an acre or more of land.

Onsite activities/operations:

- On June 22, 2016, Tobias Hafenecker-Dodge enrolled parcels 223-074-004 and 223-074-009 as a Tier 2 site under Order No. R1-2015-0023 (Regional Cannabis Order) and was assigned WDID: 1B16290CHUM.

- On July 2, 2018, Tobias Hafenecker-Dodge transferred enrollment of the Property from the Regional Cannabis Order to Order WQ 2017-0023-DWQ (CANGO), and was assigned WDID 1_12CC403261.

Inspection information

Date/time: March 22, 2019/morning
Type: Consent inspection.

Attendance:

Tobias Hafenecker-Dodge
Vernon Kindred, Ranch Manager
Josh McKnight, Trinity Valley Consulting Engineering
Mike Atkins, Mad River Properties INC.
Kelsey McDonald, Hohman and Associates
Kalyn Bocast, California Department of Fish and Wildlife (CDFW)
Bradley Padilla, CDFW
Rodney Yandell, Humboldt CO.
Adona White, North Coast Regional Water Quality Control Board (Regional Board)
Brian Fuller, Regional Board

Background

On April 10, 2018, staff from the North Coast Regional Water Quality Control Board (Regional Water Board) (staff) and the State Water Resources Control Board's Division of Water Rights (DIV), accompanied by staff of the California Department of Fish and Wildlife (CDFW), inspected Humboldt County APNs 223-074-006-000, 223-074-004-000, 223-074-009-000 (Property). At the time of the inspection, APNs 223-074-004-000, 223-074-009-000 were enrolled for coverage under the Regional Cannabis Order.

Staff emailed the water quality inspection report (2018 Inspection Report) to Tobias Hafenecker-Dodge on July 27, 2018. The 2018 inspection report identified features at the Enlarged Pond, Glass House and Shady Grove that represented threats to water quality requiring cleanup and maintenance prior to the 2018-19 winter season.

On July 2, 2018, Tobias Hafenecker-Dodge transferred enrollment of the Property from the regional cannabis order to CANGO. In the application for enrollment under the CANGO, Tobias Hafenecker-Dodge indicated a cannabis cultivation size of 43,500 square feet and a disturbed area of 43,500 square feet, suggesting there was no disturbed area other than the cultivation area. However, the Enlarged Pond, Glass House, Shady Grove, and all access roads and water crossings that have not been designed, constructed, and maintained consistent with the Road Handbook and Attachment A in the CANGO, are considered disturbed areas, as well. Therefore, the total disturbed area on the Property is more than 43,560 square feet, one acre, so the Property does not meet the requirements to qualify as a Tier 1 site. Instead, the Property should be enrolled as Tier 2. Furthermore, the Enlarged Pond's retaining buttress is a disturbed area on top of a watercourse, and therefore does not meet setback requirements. Therefore, the site should be designated as high risk.

Requirements for High Risk sites include preparing and submitting a "Site Erosion and Sediment Control Plan (SESCP)" and "Disturbed Area Stabilization Plan" within 90 days of enrollment. The purpose of the SESCP is to ensure the Property is winter-ready and pollutants will be prevented from delivery to surface waters. The DASP requires that the enrollee identify how features that encroach on surface water setbacks will be addressed to ensure that conditions are protective of water quality. For the Property, with an enrollment date of July 2, 2018, the plans were due September 29, 2018.

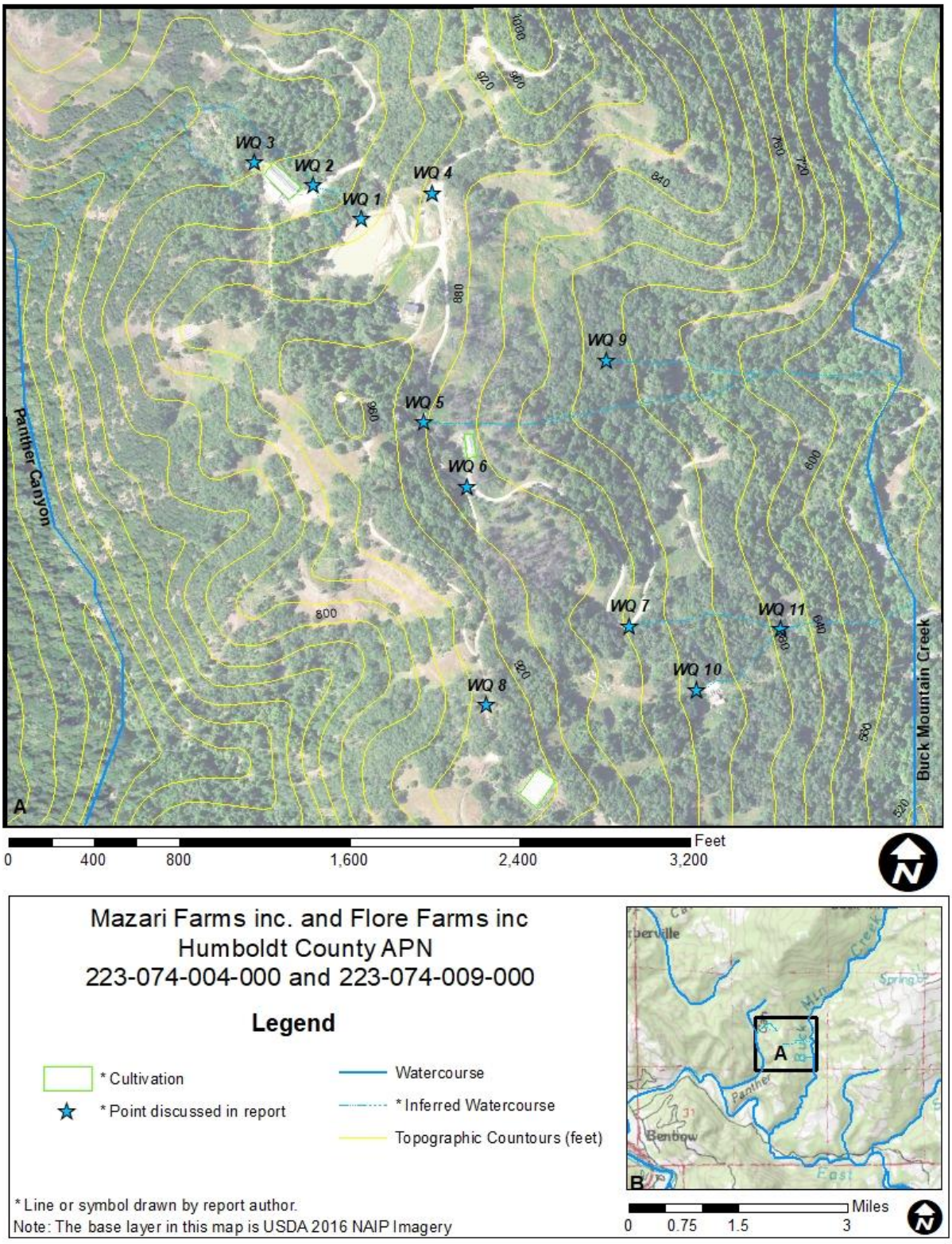
On August 15, 2018, staff sent an email to Tobias Hafenecker-Dodge and his consultants recommending he retain a licensed Civil Engineer with geotechnical experience, to provide a factor of safety analysis to assess the stability of the Enlarged Pond impoundment during the 2018-19 winter season and identify the least environmentally damaging, practicable alternative solutions for retrofitting and/or decommissioning this onstream water storage feature.

On September 7, 2018, and October 10, 2018, Mr. Josh McKnight from Trinity Valley Consulting Engineers, Inc. (TVCE) advised Staff that TVCE was developing an interim stabilization plan for temporary measures to be implemented prior to winter 2018-2019. However, as of the date of this report, staff have not yet received a stability assessment and implementation plan for either the Enlarged Pond or the Glass House. On November 7, 2018, staff received an Erosion Control Plan, documenting needed road work, information staff had already been provided.

<u>March 22, 2019, inspection</u>
On March 22, 2019, Regional Water Board staff participated with staff of CDFW and the Humboldt County Planning & Building Department Cannabis Services Division on an inspection of Humboldt County APN 223-074-004-000.

Inspection objectives for Regional Water Board staff included observing site development and activities, and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

Inspection Map



Map A includes reference points for features of water quality, abbreviated WQ, interest discussed below. Map B shows Location of Map A relative to Garberville and Benbow.

Inspection Observations

Inspection participants met at the intersection of Little Buck Mountain and Alderpoint Roads and then drove to a location east of the Enlarged Pond. We walked on top of the dam at *WQ 1*, and I noted that there had been no apparent changes to the dam since the preceding year; the water level was near to the dam crest *(photo 1)* and there were tension cracks apparent on the dam crest *(photo 2).* I observed a concave-up feature on the outboard face of the impounding dam within the region of the tension cracks *(photo 3)*. In discussion with Mr. McKnight about the scope of work required to restore the enlarged pond area, staff recommended that a geologist perform a site assessment, and that Mr. McKnight refer to this geologic site assessment in developing his engineering plans, and ask the geologist to review the engineering plans to verify that any concerns he had were addressed. We also agreed that an adequate restoration of the site may include retaining/installing a smaller pond somewhere within the footprint of the impacted area. I asked Mr. McKnight if he had an estimate of the pond dimensions and he said it was no more than 37,600 square feet and contained no more than 300,000 gallons of water.

We left the dam and returned to the road bordering the east side of the Enlarged Pond. I noted that the trench on the west side of the road had deepened since the 2018 inspection *(photo 4)*. The road had been rocked, however the rock appeared to be sinking into the road substrate *(photo 4)*. I asked Mr. Kindred, the ranch manager, when the road had been rocked, and he told me the rock was added three to four days earlier. We then proceeded west down the road leading to the Glass House. The trench on the north side of the road appeared to have been recently scraped *(photo 5),* however, no work had been performed to disconnect the road drainage from receiving watercourses *(photo 6)*. In the parking areas south of the Glass House, some of the materials had been covered *(photo 7),* however, stormwater continued to mix with potting soils on the west side of the Glass House *(photo 8),* and I observed a large amount of spent potting soils piled north of the Glass House where they had the potential to discharge into tributaries to Panther Canyon less than 100 feet to the east *(photo 9)*.

During the inspection, we saw a recently-installed roof above the generator building *(photo 10),* however, the roof appeared to be unfinished *(photo 11)*, allowing stormwater to mix with fuels in the generator building. We also inspected the cannabis cultivation area south of the Enlarged Pond, and east of *WQ 5* and *WQ 6 (photos 12 and 13)*. Here, the graded pad was rocked and materials for a new building had been stockpiled. I did not observe any evidence that work had been done to address water quality concerns with the road *(photos 12, 14, 15 and 16)*. We walked to the Shady Grove site, where conditions were similar to those we had observed during the 2018 inspection *(photos 17 and 18)*, with the exception that a relatively small amount of potting soils had been pulled away from a watercourse and covered with plastic *(photo 19)*. We also inspected a group of small cabins, located at *WQ 10*, that occupied the same watercourse as they had during the 2018 inspection *(photo 20)*, and we observed that the culvert downstream from two incising watercourses at *WQ 11* had not been corrected *(photos 21, 22, 23)*.

I asked Mr. McKnight, Mr. Atkins, and Ms. McDonald if any of them had developed the required water quality plans; no one had, and none of them were under contract to do so. After further discussion, Mr. McKnight agreed that he would develop a restoration plan for the enlarged pond and glass house areas and develop the water quality plans required under CANGO. Mr. Atkins, who was subcontracted by Hohman associates, agreed that he would develop the 401 applications.

Recommendations

1) Revise enrollment under the CANGO to Tier 2, high risk, reflecting actual total site disturbance and site conditions.

2) Engage or ensure that the design team that develops restoration plans for the Enlarged Pond area includes a qualified, licensed geologist and that final restoration plans for the Enlarged Pond area include signed, stamped geologic review.

3) Prepare and submit a Site Management Plan, Disturbed Area Stabilization Plan, and a Site Erosion and Sediment Control Plan.

The CANGO (Order WQ 2017-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities) can be found at this link:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf

Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

Selected Photos

Photo Taken by: B. Fuller 22 March 2019

photo 1 – Looking south from the enlarged pond spillway at *WQ 1.*

Photo Taken by: B. Fuller 22 March 2019

photo 2 – Looking at tension crack on crest of the enlarged pond impounding buttress west of *WQ 1.*

Photo Taken by: B. Fuller 22 March 2019

photo 3 – Looking at concave-up feature (hole) on the outboard face of the impounding dam within the region of the buttress with tension cracks pictured in photo 2.

Photo Taken by: B. Fuller 22 March 2019

photo 4 – Road on east side of enlarged pond. Note incising trench adjacent to road and rock on road surface sinking into saturated fine material.

Photo Taken by: A. White 22 March 2019

photo 5 – Road runoff directed into trench discharging to watercourse east of Glass House pictured in photo 6 below.

Photo Taken by: A. White 22 March 2019

photo 6 – Looking east at road runoff directed into watercourse east of Glass House at WQ 2.

Photo Taken by: B. Fuller 22 March 2019

photo 7 – Materials covered northwest of Glass House.

Photo Taken by: B. Fuller 22 March 2019

photo 8 – Storm water mixing with potting soils west of Glass House.

Photo Taken by: B. Fuller 22 March 2019

photo 9 – Large pile of potting soils north of Glass House, and upslope from water, *WQ 3.*

Photo Taken by: A. White 22 March 2019

photo 10 – Generator and fuel storage building, at *WQ 4*, with new roof.

Photo Taken by: A. White 22 March 2019

photo 11 – New roof on generator building, *WQ 4*, pictured in photo 10 above, is unfinished and allows stormwater to mix with fuels in generator building.

Photo Taken by: B. Fuller 22 March 2019

photo 12 – Looking east above blocked culvert crossing at *WQ 5.*

Photo Taken by: B. Fuller 22 March 2019

photo 13 – Looking south at suspected wetland southeast of *WQ 5* and north of *WQ 6.*

Photo Taken by: B. Fuller 22 March 2019

photo 14 – Stormwater is incising inboard ditch that starts at *WQ 6* and delivers to watercourse at *WQ 7.*

Photo Taken by: A. White 22 March 2019

photo 15 – Road runoff delivering to watercourse at *WQ 7.*

Photo Taken by: A. White 22 March 2019

photo 16 – Water flowing down road surface from *WQ 8* and contributing to ditch at *WQ 6.*

Photo Taken by: A. White 22 March 2019

photo 17 – Water flowing over road leading to *WQ 9.*

Photo Taken by: B. Fuller 22 March 2019

photo 18 – Potting soil disposed of in watercourse at *WQ 9.*

Photo Taken by: B. Fuller 22 March 2019

photo 19 – Upper right of image shows that some potting soil had been collected near *WQ 9*, and is now covered with plastic.

Photo Taken by: B. Fuller 22 March 2019

photo 20 – Water flowing past and underneath sheds at *WQ 10.*

Photo Taken by: B. Fuller 22 March 2019

photo 21 – Gully upstream and west of *WQ 11.*

Photo Taken by: B. Fuller 22 March 2019

photo 22 – Looking west and upstream at the confluence of two watercourses from WQ 11. The water course pictured in photo 21 is shown in the left of this image. The two watercourses flow through one culvert, the outlet of which is shown below in photo 23.

Photo Taken by: B. Fuller 22 March 2019

photo 23 – Outlet of culvert located at *WQ 11.*